

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

William B. Miller Sr

Your full name

APR 23 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

FEDERAL CIVIL RIGHTS
COMPLAINT
(*BIVENS ACTION*)

v.

Civil Action No.: 1:20 cv 75
(To be assigned by the Clerk of Court)

Dr K Brown, G Harris
Dr Gillespie Psych Services Super
Ms Childress case manage
Assistant Warden VD Bazorc

Kleeh
Ajoi
Williams

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: William B. Miller Sr Inmate No.: 646-76-060
Address: USP Hazelton PO Box 2000 Bruceton Mills WV
26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: Dr K Brown
 Position: Challenge Program Coordinator
 Place of Employment: USP Hazelton
 Address: PO Box 2000 Bruceton Mills West Virginia 26825

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: As the challenge program coordinator and Program psychologist Her duties are to Provide Mental Health Assessments and Make Recommendation For the Federal Bureau of Prisons for Inmate Mental Health

B.1 Name of Defendant: Mr G Harris
 Position: Challenge Program RTS
 Place of Employment: USP Hazelton
 Address: PO Box 2000 Skyview Drive Bruceton Mills West Virginia 26825

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: As program Counselor He Counsels Inmates and is Ethically Bound By Program Statement and Code of Ethics to provide the FBOp with Accurate and Honest Information pertaining to Inmates program participation

B.2 Name of Defendant: Dr Gillespie
 Position: Psychology Services Supervisor
 Place of Employment: USP Hazelton
 Address: PO Box 2000 Skyview Drive Bruceton Mills West Virginia 26825

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

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If your answer is "YES," briefly explain: As the Head psychologist
Her Duties are to Supervise and ensure that Inmates are
Being provided Proper Mental Health care from All of Her
Doctors. Also Bound to Ensure that They Follow all FBOP
Policies and Procedures and Ethical Conduct codes

B.3 Name of Defendant: Ms Childress
 Position: USP A2 case manager
 Place of Employment: USP Hazelton
 Address: Po Box 2000 Skyview Drive Bruceton Mills West
Virginia 26825

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: Her Job is to provide
Inmates with direction in All phases of their treatment
and incarceration and to ensure that Her coworkers
are providing their Assistance and Following FBOP policy
Program Statement's and Ethical Standards to Inmates

B.4 Name of Defendant: Assistant Warden
 Position: Assistant Warden
 Place of Employment: USP Hazelton
 Address: Pobox 2000 Skyview Drive Bruceton Mills, West
Virginia 26825

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: She is the Assistant Warden
who is Bound By Her Job title to Ensure all of her employees
Staff Do their Jobs By Following all FBOP Policies Procedures
and Ethical Conduct and to Aid in the Resolution of Violations
of any of the above and Constitutional Violations

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B.5 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: United States Penitentiary Hazelton

A. Is this where the events concerning your complaint took place?
 Yes No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? Yes No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
 Yes No

D. If your answer is "NO," explain why not:

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. ATTACH GRIEVANCES AND RESPONSES:

LEVEL 1 Court I was Ignored By Childress and Brown Gillespie
 LEVEL 2 BPP was given an incorrect Response and Issue Was Not Resolved
 LEVEL 3 BPP was Rejected then Ignored without Return of 2

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? Yes No

B. If your answer is “YES”, describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: “IV PREVIOUS LAWSUITS”

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____

(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____

(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?

Yes No

D. If your answer is “YES,” briefly describe how relief was sought and the result. If your answer is “NO,” explain why administrative relief was not sought.

E. Did you exhaust available administrative remedies?

Yes No

F. If your answer is “YES,” briefly explain the steps taken and attach proof of exhaustion. If your answer is “NO,” briefly explain why administrative remedies were not exhausted.

G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label “G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS”

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: frivolous malicious
 failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as BRIEFLY as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)

CLAIM 1: on 10-10-19 Drk Brown Filed a Falsified report Concerning
The the events of our encounter in the Hallway which lasted
1 1/2 to 3 min. After Attempting to resolve the Deprivation of the
psychotropic Medications Through Ms Childress A2 Case Manager
While Mr Bennett was present, After 2 short Attempts a few min

Supporting Facts: There was not enough time to provide A Mental

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Health evaluation, Videos from Alpha 2 printing at office corridor connecting A-1 and A-2 8am-10am. See Also Dr Browns Reports 10/10/19 also witness to these events Ms Childress and Mr Bennett Cameras Show I made 2 trips to Ms Childress office During the

CLAIM 2: On 11-15-19 8am-10am Dr K Brown Falsely reports another full Mental Health Assessment, while in Ms Coons office. She claims that During This encounter she questioned Me about My disorders and that I could Not provide Sufficient Symptoms to Satisfy the Need for Meds, This Encounter lasted 8 to 12am, Not enough time

Supporting Facts: See Security Footage Alpha 2 views of Room 109 8am to 10am again No time for any kind of Assessment or Eval See Dr Browns Reports Filed 11-15-19 as well as the False Report of her claiming I Met with her again on the 18th of November which Records will Show this is False I didnt see

CLAIM 3: Dr K Brown Came to Dental to "provide" me with a psych test M-F 10am 12-17-19 at which time she verbally administered the test. I ask her why she didn't answer, I proceeded to answer the questions "weakly" as I did not Believe she was giving the answers. I provided due to her past actions. After Administering the first test she then

Supporting Facts: Dr Gillespie, Dr K Brown, Ms Childress, AW Bayshore and Gittarris have all Conspired to Aid Dr K Brown in her Unethical Deliberate, Malicious acts of Depriving Me of psych Meds and providing Against me Reprisal for Filing Administrative Remedy against Dr Brown and themselves. See All the stated Video footage.

CLAIM 4: on 12/02/19 Mr Harris Also provided False information to my Challenge Program Report After our brief Meeting He violated the 14th Amend By Not affording Me Equal protection under the law By filing False Documents that have the capability of causing further punishment and denial of Privileges and deprivation of Meds

Supporting Facts: See Mr Harris Reports Filed on the following Dates 12-2-19 2/5/20 3/10-20 as well as Facility Security footage for

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The Dates above and any dates claimed inside of Reports of encounters, as well as Inmate Statement Dated For 12-6-14 Shows Attempt to withdraw during lockdown yet Money was there in trojan)

CLAIM 5: _____

Supporting Facts: _____

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

I have suffered all the symptoms of My disorders Depression, Hopelessness, worthlessness, crying, Body aches, Weight loss, loss of Appetite, Anxiety, Rapid Heart Rate, Shortness of Breath, Fear overwhelming, Shakes, paranoia, Bipolar Disorder Manic episodes, Sleeplessness, mood Swings, Confusion, Thoughts of Suicide, Voices, Inability to Sit still, PTSD Nightmares, Flash Backs, Fear of Attack, confusion, Also Pain and Swelling of legs and ankles

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

a Monetary Settlement to Be Decided from each Defendant to Be given a True Mental Health Assessment By a Licensed Psychiatrist at the cost of the defendant and any Federal or state charges to Be pressed against the defendants that apply

Claim 1 continued

apiece. Dr Brown stopped me in the Hallway and asked if she could help me. I stated "not unless you are a licensed psychiatrist that can prescribe Meds" she replied "No I'm Not" and asked what the problem was. I stated "I was being deprived of my Meds that I had been ~~on~~ for my entire confinement that were prescribed by a licensed psychiatrist" she asked what I needed Meds for I stated PTSD, Anxiety, Bipolar Disorder and severe depressive disorder? She then stated That Due to my anger that I have "Anger Management Issues and Criminal Thinking Behavior Thats all that's wrong with you" I Allegedly said "Fn Forget it" and walked away. Dr Brown claimed that This was a Full Mental Health Assessment and Reported Such which By doing so has deprived me of a proper Assessment and has deprived me of my 8th Amendment to Be free of cruel and unusual punishment By forcing me to suffer the symptoms of my Disorders, This has also deprived me of my Fifth Amendment when she Retaliated against me by filing false documents causing me lack of due process and Neglected By other psychology staff to address my disorders and The First Amendment my right to grievous issues without Reprisal

Claim 1 Supporting Facts Continued

open house Neither Combined add up to enough time for a valid Mental Health Assessment. See PSTR for Court Findings Concerning my disorders the Court order of Meds

Claim 1 Supporting Facts Continued
as well as the Name and Findings of Dr M Mercado
and Dr Forjac Both licensed Federally Acknowledged
psychiatrist

Claim 2 Continued

to Make a clinical Assessment of Value. As the Entire
encounter consisted of Me Stating that "She had No
Business discontinuing Med that were prescribed By
a licensed psychiatrist actually 3 separate Veteran Dr
with 30 plus years of experience" she replied "Psychiatrist
were not as qualified as psychologists at diagnosing
disorders and Psychiatrist push Meds Because if they didn't
they wouldn't have a job" I stated "whatever you say But
can I atleast get something for My Nightmares and
depression" she stated "I may make a referral to Health
Services for Something for Depression and Mihipress"
I then asked if I could go "She Dismissed Me However
No Referral for Either Medication was Made, She did
add The Following to My File Trauma Stressor disorder
depressive disorder and Adult Anti social disorder
her actions have further deprived Me of My 8th
By forcing Me to Suffer The Symptoms of My Disorders
and Her False Reports have Caused Reprisals By Causing

Claim 2 Continued

other Psych Services Staff to ignore My Mental Health
WellBeing and Need for treatment

Claim 2 Supporting facts Continued

Dr Brown again till the 17th of Dec 19 in Dental Sec also
My P&R and transcripts for true Mental Health Evaluation
and Past Findings Provided By 2 licensed Psychiatrists
Dr Mercado and Dr Fargac. See also Security Footage For A-2

Claim 3 continued

Made a threat; She Maliciously Stated "If you write me up one more
Time I'll make your life Here very Hard" "Remember I have access
To your PSIR and what's in it" This Validated the threat due to the
Contents of it afterwards I asked for a copy of the results due
to her prior acts she refused and walked me Back to A-2 I then
requested My Meds again she said "you aren't getting them you
don't meet the criteria" I then Wrote the Director of the FBOP
about the threat and Dr Browns unethical conduct. Which was
ignored, I then Filed BP8 and 9 to have them ignored as well

Claim 3 Continued

The last BP4 was returned by A.W. Bayshore who claimed that I was provided copies of the M-Fast Results on the 17th of Dec and that the Raw data was not disclosable to me

I responded that this is incorrect especially when an ethical act is under review which it is being challenged I then filed BP8 to Dr. Gillespie about Dr. Brown's unethical acts and her Filing of False Federal documents. These individuals were made aware of Dr. Brown's False reports and threats and did nothing about it as well as Mr. Harris and Ms. Childress have aided in Dr. Brown's Deliberately Malicious acts of depriving me of My Constitutional Rights to file grievance to be free of Cruel and unusual punishment all of them have aided Dr. Brown in her reprisals against me. By not taking reasonable steps to ensure information provided in my file is accurate. They did no investigation into Dr. Brown's acts, threats, filing false reports depriving me of Meds and removing ~~ca~~ my Bottom Bunk pass as reprisal. Dr. Gillespie also denied My BP8 that provided all necessary info to investigate the acts and validate my claims of Deprivation of Meds Due to having no assessment done as well as the dates of the events to ignore them without investigating them. Ms. Childress has also aided in the reprisals By Filing False Documents pertaining to My Conduct and My points upon review in the attempts to confirm Dr. Brown's allegations and discredit My Attempted Resolving of issues.

Supporting facts Claim 3 Continued

times and Dates previously provided the letters to Dr K Brown AW Bayshore, Dr Gillespie as well as Institutional "copout" and Inmate Psych Services file and Central file, sickcall Electronic and Paper, As well as the letters to the Director of the FBoP Who was Made aware of The threats to my life By Dr K Brown only Days after due to the sensitive Nature. See Also Dr Rings Reports from Here Intervention when I Made her aware of the threats The threat alone is enough to produce a Violation of 1st amendment right to Freedom of Speech and to Grievance And to Be Free from the Filing of False Documents The 14th Amendment guarantee Me the right to equal protection of the law Making Dr Browns threat a violation of Federal Statute as well as the Constitution I have repeatedly Attempted to resolve this By requesting Administration to review Security footage which would have resolved the issue without Delay

Claim 4 continued

This was done after Consulting with DR K Brown In a team Unit Meeting this was done to Make any further attempts at Administrative Remedy discredited about my Meds I Requested Mr Harris to pursue The PS 3800.11 Route By providing reasonable steps at Assuring accurate information has been provided to Human and My File via Dr Browns Reports

Claim 4 continued

by providing Mr Harris with the Evidence to prove Dr Browns
Claims were falsified He refused to do so Accepting Dr Browns
Reports as truth without further investigation He then filed
His own Fictitious version of the events with opinion based
addage to his report Concerning the PSR and My Charges of
Conviction as well as Stating I had "gang involvement" I
asked Him to remove this false information He stated He
would talk to "Dr Brown" and Decide Nothing was changed
Even after I provided Him with the paperwork (ic Doc 110
of Sentencing transcript) that Verified His reports were false
He then again Filed more False information in My File on 02-05-20
as these events did not occur as He States The contents of this
Conversation were "Dr Brown wants to know why you are still
FRP Refuse and why you are still in the program" And that I told
Him we were on lockdown I have no control over those things while
on involuntary lockdown So this was unknowing and involuntary
and that I have talked to Unit Counselor Bennettz repeatedly
to resolve this issue Then again on the 18th of March He files
another Report claiming False information which was not
possible as we were on lockdown on the 10th from the 6th
of March to the 18th So this did Not occur as he claims after
receiving this False Report I filed BP8 to Admin at which time
Warden Antonelli Claims Harris did Not file the Report till days
later I wrote Warden in response I did not speak to Mr

Claim 4 Continued

Harris until the 12th So His Filing and Claim of imaginary encounter are False and Had No Substance or Merit as None of the Conversation occurred as He Claims I Stated to Mr Harris on the 12th of March that I have repeatedly tried to resolve the FRP issue with Mr Bennette and He said it was fixed That I have No Control over This I can only Request them to do things I told him the Money was there and Someone of Authority tampered With the account to Stop the Withdraw Dr K Brown its obvious Mr Harris and Dr Brown have Both Conspired With each other to Violate and deprive Me of My 8th 1st 5th and 14th amendments By Filing False information depriving me of Meds and a true and proper Assessment and Violated Ethical Conduct and Federal Statutes Mr Harris also provide False info to Warden Stotry It came to my cell to Discuss FRP Refuse See video Footage A-2 3-6-20 through 3-10-20

Supporting Fact claim 4

and I was unable to transfer it Due to lockdown Show (FRP quarterly payment 0.00) Then Again on ~~3-7~~ 3-6-20 There is No attempt to Withdraw However 73⁰⁰ dollars was available for the Withdraw See facility lockdown schedule See also PSR and other accumulated Evidence As Well as Doc 110-107-73-74 of My transcripts and Program Statement FBop S800.11 View video For Alpha 2 Cell 213 3-6-20 to 3-10-20

VI Injury Continued

Due to ~~top~~ Bunk Restriction Not Being Honored and placed on
top Bunk out of Reprisal Scratches and Bruises pain to upper
Thigh 'left' Loss of Facility Employment, loss of points on
Custody Review, loss of privileges, loss of Commissary Spending
Limits Restriction, Mail tampering

VII Relief Continued for these unlawful acts

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at USP Hazelton on 4-18-20.
(Location) (Date)

William B. Miller, Sr.
Your Signature